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April 28, 2022

Via ECF and e-mail

Hon. Philip M. Halpern, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: In re: Mosdos Chofetz Chaim Inc.
(Mosdos Chofetz Chaim, Inc. et. al. v. Mosdos Chofetz Chaim Inc., et. al.)
[Docket No 21-cv-02872-PMH]

Dear Judge Halpern:

The undersigned is counsel to certain of the Appellees in the above-referenced appeal from an April 2, 2021 order of the Bankruptcy Court denying Appellants' motion for reconsideration of the Bankruptcy Court's prior order partially granting *in limine* relief. As your Honor is aware, on December 7, 2021, this Court issued an Order *inter alia* affirming that order by the Bankruptcy Court [DE-49]. On January 5, 2022, Appellants Mosdos Chofetz Chaim Inc. ("Mosdos") and Rabbi Mayer Zaks ("Rabbi Mayer") appealed to the Second Circuit from this Court's Order [DE-51]. That appeal was docketed under Second Circuit Docket No. 22-33. This is to advise the Court that today the Second Circuit dismissed that appeal for the failure by Mosdos and Rabbi Mayer to file their brief in accordance with Scheduling Order previously issued by the Second Circuit. A copy of the Second Circuit's Docket Order to that effect is enclosed with this letter.¹

We are copying Judge Drain on this letter so that he is aware of this development as well.

¹ Appellants also appealed to this Court from the Bankruptcy Court's April 2, 2021 order dismissing the adversary proceeding from which the above-referenced appeal was taken. That appeal was docketed in this Court under 21-cv-02878-PMH. In this Court's December 7, 2021 Order, that dismissal order by the Bankruptcy Court was affirmed as well. Appellants also appealed to the Second Circuit from that aspect of this Court's December 7, 2021 Order and that appeal is still pending in the Second Circuit under Docket No. 22-36.

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Hon. Philip M. Halpern, U.S.D.J
Page 2

April 28, 2022

Thank you for your attention.

Very truly yours,

s/ *Michael Levine*

MICHAEL LEVINE

cc. Hon. Robert D. Drain, U.S.B.J. (via email)

cc. Avrom R. Vann, Esq. (via e-mail)

Julie Pechersky Plitt, Esq. (via email)

Michael Levine

From: cmecf@ca2.uscourts.gov
Sent: Thursday, April 28, 2022 10:22 AM
To: Michael Levine
Subject: 22-33 In Re: Mosdos Chofetz Chaim In "Schedule Default FILED"

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Court of Appeals, 2nd Circuit

Notice of Docket Activity

The following transaction was filed on 04/28/2022

Case Name: In Re: Mosdos Chofetz Chaim In
Case Number: 22-33

Docket Text:

ORDER, [26] appeal dismissed for Appellants Mosdos Chofetz Chaim Inc. and Mayer Zaks' failure to file brief and appendix, EFFECTIVE.[3305142] [22-33]

Notice will be electronically mailed to:

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